

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TELEFLEX INCORPORATED,

Plaintiff,

v.

KSR INTERNATIONAL CO.,

Defendant.

02 - 74586

JOHN FELKENS

MAGISTRATE JUDGE PEPE

RODGER D. YOUNG (P22652) ✓  
STEVEN SUSSER (P52940) ✓  
DAVID J. POIRIER (P62928) ✓  
Young & Susser, P.C.  
Attorneys for Plaintiff  
26200 American Drive, Suite 305  
Southfield, MI 48034  
248.353.8620

U.S. DIST. COURT CLERK  
EAST DIST. MICH.  
DETROIT  
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Teleflex Incorporated ("Teleflex"), by its attorneys, Young & Susser, P.C., and for its Amended Complaint against Defendant KSR International Co. ("KSR"), alleges as follows:

PARTIES

1. Teleflex is a Delaware corporation, having its principal place of business at 630 W. Germantown Pike, Plymouth Meeting, Pennsylvania 19462.
2. Upon information and belief, KSR is a Canadian corporation, having its principal place of business in Ridgetown, Ontario, and an office in this district located at 20300 Civic Center Drive, #330, Southfield, Michigan.

YOUNG & SUSER, P.C., SUITE 305 WESTVIEW OFFICE CENTER, 26200 AMERICAN DRIVE, SOUTHFIELD, MICHIGAN 48034 (248) 353-8620

**JURISDICTION**

3. This is an action for patent infringement under Title 35, United States Code, §§ 271 et seq.

4. This Court has jurisdiction under 28 U.S.C. § 1338.

5. Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).

**COUNT I**  
**INFRINGEMENT OF '565 PATENT**

6. Teleflex incorporates the allegations of the foregoing Paragraphs 1-5 as though fully set forth herein.

7. On May 29, 2001, United States Patent No. 6,237,565, entitled "Adjustable Pedal Assembly With Electronic Throttle Control" ("the '565 Patent"), was duly and legally issued by the United States Patent and Trademark Office to Steven J. Engelgau. A copy of the '565 Patent is attached hereto as Exhibit A.

8. Teleflex is the current assignee of all right, title and interest in the '565 Patent, including the right to bring and maintain this action with respect to the '565 Patent.

9. KSR has made, used, offered for sale, and sold in the United States products infringing the '565 Patent and has otherwise committed acts prohibited by 35 U.S.C. § 271.

10. KSR continues to infringe the '565 Patent.

11. KSR's infringement is willful and intentional.

12. As a result of KSR's activities and infringement, Teleflex has suffered and will continue to suffer substantial damages.

13. KSR's infringement of the '565 Patent will continue unless and until enjoined by this Court.

**COUNT II**  
**INFRINGEMENT OF '239 PATENT**

14. Teleflex incorporates the allegations of the foregoing Paragraphs 1-13 as though fully set forth herein.

15. On October 23, 2001, United States Patent No. 6,305,239 B1, entitled "adjustable pedal assembly" ("the '239 Patent") was duly and legally issued by the United States Patent and Trademark Office to Mattias Johansson and Gunnar Fornell. A copy of the '239 Patent is attached hereto as Exhibit B.

16. Teleflex is the current assignee as to all right, title and interest in the '239 Patent, including the right to bring and maintain this action with respect to the '239 Patent.

17. KSR has made, used, offered for sale, and sold in the United States products infringing the '239 Patent and has otherwise committed acts prohibited by 35 U.S.C. § 271.

18. KSR continues to infringe the '239 Patent.

19. KSR's infringement is willful and intentional.

20. As a result of KSR's activities and infringement, Teleflex has suffered and will continue to suffer substantial damages.

21. KSR's infringement of the '239 Patent will continue unless and until enjoined by this Court.

**COUNT III**  
**INFRINGEMENT OF '695 PATENT**

22. Teleflex incorporates the allegations of the foregoing Paragraphs 1-21 as though fully set forth herein.

23. On April 23, 2002, United States Patent No. 6,374,695, entitled "adjustable pedal assembly" ("the '695 Patent") was duly and legally issued by the United States Patent and Trademark Office to Mattias Johansson and Gunnar Fornell. A copy of the '695 Patent is attached hereto as Exhibit C.

24. Teleflex is the current assignee as to all right, title and interest in the '695 Patent, including the right to bring and maintain this action with respect to the '695 Patent.

25. KSR has made, used, offered for sale, and sold in the United States products infringing the '695 Patent and has otherwise committed acts prohibited by 35 U.S.C. § 271.

26. KSR continues to infringe the '695 Patent.

27. KSR's infringement is willful and intentional.

28. As a result of KSR's activities and infringement, Teleflex has suffered and will continue to suffer substantial damages.

29. KSR's infringement of the '695 Patent will continue unless and until enjoined by this Court.

**WHEREFORE**, Teleflex Incorporated requests that this Court enter Judgment that:

- A. Declares that the '565, '239, and '695 Patents are valid and infringed by KSR;
- B. declares KSR's infringement of the '565, '239, and '695 Patents has been knowing and willful;
- C. awards Teleflex its damages caused by KSR's infringement of the '565, '239, and '695 Patents, trebled pursuant to 35 U.S.C. § 284;
- D. finds this to be an exceptional case pursuant to 35 U.S.C. § 285 and awards Teleflex its attorneys' fees and costs incurred in this matter;

E. permanently enjoins KSR and its subsidiaries, agents, officers, and employees, and all others acting in concert with it, from further infringement of the '565, 239, and '695 Patents under penalty of contempt; and,

F. awards to Teleflex such other and further equitable relief as the Court may deem necessary and proper to correct the injury to Teleflex and to the public interest caused by KSR's unlawful conduct.

YOUNG & SUSSER, P.C.

BY: 

RODGER D. YOUNG (P22652)  
STEVEN SUSSER (P52940)  
DAVID J. POIRIER (P62928)  
Attorneys for Plaintiff  
26200 American Drive, Suite 305  
Southfield, MI 48034  
248.353.8620

Dated: November 18, 2002

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JURY DEMAND

Plaintiff Teleflex Incorporated, by its attorneys, Young & Susser, P.C., respectfully  
demands a trial by jury in the above matter.

YOUNG & SUSSE, P.C.

BY:



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EASTERN DISTRICT OF MICHIGAN

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THAT WERE NOT  
SCANNED**